

February 24, 2010

MINUTES OF A REGULAR MEETING OF THE TORRANCE ETHICS AND INTEGRITY COMMITTEE

CALL TO ORDER

The Torrance Ethics and Integrity Committee convened in a regular session at 6:30 p.m. on Wednesday, February 24, 2010, in the West Annex Commission Meeting Room at Torrance City Hall, 3031 Torrance Boulevard.

ROLL CALL

Present: Committee Members Gallagher, Gotshall, Matsuda, Montoya, and Chairman Payne.

Absent: None.

Also Present: Staff Liaison to the Committee Lohnes, Deputy City Attorney Strader, Management Aide Elmore and Mr. Len Wood.

FLAG SALUTE

Member Montoya led the Pledge of Allegiance.

ORAL COMMUNICATIONS #1

1. Chairman Payne entertained the idea of implementing a program in the City similar to Torrance Memorial Medical Center's "Merit Thanks" cards to commend employee performance during a patient's stay.

Staff Liaison to the Committee Lohnes advised that the City has a program similar to the one described by Chairman Payne, and input about it will be provided at a future meeting.

1. REPORT OF STAFF ON POSTING OF AGENDA

Staff Liaison to the Committee Lohnes verified that the meeting agenda was properly posted.

2. APPROVAL OF MINUTES – JANUARY 27, 2010

Member Gotshall advised that she did not receive a copy of the minutes prior to the meeting.

Staff Liaison to the Committee Lohnes apologized and assured Member Gotshall that this will not happen in the future.

The approval of the Ethics and Integrity Committee minutes of January 27, 2010 was continued until later in the meeting (see page 9).

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3. **LEN WOOD WORKSHOP (Continued from January 27, 2010)**

The Committee participated in a workshop continued from the last meeting presented by Mr. Len Wood, Len Wood & Associates, this portion of which was to develop a Work Program. Referring to written material of record distributed at the meeting ("Work Plan Elements Ethics and Integrity Committee Possible Goals" and "Work Programs/Sample Commission Work Program"), Mr. Wood explained the process for prioritizing the Possible Goals which, he noted, were obtained from multiple sources, such as the Committee, interviews with the Committee members, an interview with the Mayor, etc. Mr. Wood advised that the number of Goals should eventually be narrowed down to a maximum of five to seven and that more detailed explanations of the Goals will be developed in the future.

During a review of the Possible Goals before prioritizing them, discussion included the following:

Mr. Wood clarified that Possible Goal No. 3 (Host an Ethics and Integrity Seminar) should be further defined if the Committee it is included in the Work Program and that Possible Goal No. 4 (Develop a website-based ethics class) would be an interactive internet-based ethics class.

In response to a question from Member Gotshall, Member Matsuda explained "Final Word" candidate forums, as included Possible Goal No. 9 (Conduct "Final Word" candidate forums).

Deputy City Attorney Strader cautioned that while she understands the intent, Possible Goal No. 11 (Amend Torrance's Ethics Ordinance regarding Committee members supporting campaigns or running for office) could interfere with first amendment rights.

Member Matsuda related her understanding that Possible Goal No. 11 was part of the materials previously provided by staff about ethics programs in other cities; that one city's ordinance included that members of that city's ethics and integrity committee shall not make endorsements of candidates for office; and that the another city's ordinance included that commissioners shall not be seated or run for office while on a commission to prevent an individual from using his/her position for election.

If the Committee determines that Possible Goal No. 11 should be part of the Work Program, Deputy City Attorney Strader recommended that staff research whether it would interfere with first amendment rights.

Relating a personal experience, Member Gotshall expressed concern over the current inability to control candidates' actions.

Mr. Wood verified for Member Montoya that Possible Goal No. 11 would apply to all commissions, committees and boards.

Members Gallagher and Gotshall voiced their impression that, because of how it is worded, it appears that Possible Goal No. 11 would only apply to the Ethics an Integrity Committee.

Member Matsuda related her understanding that the ordinance to which she was referring when she suggested Possible Goal No. 11 specifically prohibited supporting campaigns by members of an ethics committee. However, with regard to running for office/elections, Possible Goal No. 11 would apply to all commissions, committees and boards to prevent the use of one's position when running for office. She related her understanding that the priorities determined by the Committee will be presented for the Council's consideration.

Member Montoya related his viewpoint that Possible Goal No. 11 should apply to all commissions, committees and boards.

Member Gallagher recalled that the City of San Diego's ethics ordinance was developed to address specific problems, rather than ideas which might prevent future issues. He pointed out that the Committee's role, including lack of accountability in the ordinance, could be described in Possible Goal No. 21 (Develop accountability and enforcement plan).

Concerning Possible Goal No. 15 (Produce a "Vote Ethics" Guide for inclusion in utility bills), Staff Liaison Lohnes explained that the City of Santa Clara's "Vote Ethics" program was developed to encourage voting on an ethical basis as an umbrella program which was part of an election.

Chairman Payne observed that a "Vote Ethics" guide and a "Final Word" candidate forum are similar.

The Committee agreed to combine Possible Goal Nos. 16 (Develop Ethics and integrity Marketing/Communications Program), 18 (Develop public awareness program for Ethics and Integrity Programs), 19 (Launch a media campaign about "Vote Ethics") and 31 (Posting of ethical values throughout City buildings to serve as a reminder. Possible Goal No. 17 was deleted.

Staff Liaison Lohnes clarified that the Committee does not currently have a budget and, therefore, Possible Goal No. 21 (Develop a proposed budget for Ethics and Integrity Committee goals) would be appropriate.

Deputy City Attorney Strader recommended that Possible Goal No. 21 be modified to read "Develop a recommended accountability and enforcement plan."

Member Gotshall felt that Possible Goal No. 21 should remain as is, in that whatever the Committee recommends will be considered by the Council. She related her understanding that the Committee does not currently have a clear direction and part of No. 21 is to define the Committee's directive.

Deputy City Attorney Strader advised that, had the Council intended for the Committee to have enforcement powers, the ordinance would have contained wording to that effect and that the Committee's role in the ordinance is very clear in excluding enforcement powers.

It was Member Montoya's opinion that, if the Committee agrees to include Possible Goal No. 21 in the Work Program, it should be reworded.

Staff Liaison Lohnes explained that the Committee currently has certain powers and duties; but, enlarging the Committee's powers would require the Council's approval and that any additional funding necessary for the Work program would also require the Council's approval.

Member Gotshall related her concern over possible misperceptions that, despite the minimal power given the Committee by the Council, the Ethics and Integrity Committee oversees all ethics and integrity matters in the City. Ms. Gotshall indicated that, if the Committee can accept the Council's directive, she could agree with Possible Goal No. 21, in order to have the ability to advise individuals coming before the Committee with ethics-related concerns as to the City's accountability and enforcement plan with regard to ethics.

The Committee agreed with a suggestion by Mr. Wood that Possible Goal No. 8 (Develop process and report format for City Council) should be combined with No. 23 (Conduct quarterly activity reviews [complaints, suggestions and recognition]).

With regard to Possible Goal No. 28 (One employee within the City responsible for receiving, reviewing and forwarding all ethics complaints to the Ethics Committee for review), Chairman Payne voiced his impression that the employee could be the City Manager, or his designee; that ethics complaints should be forwarded for the Committee's review no less than quarterly; and that Possible Goal No. 28 could be combined with Possible Goal No. 22 (Determine if Ethics Coordinator/Departmental Liaison is needed as part of the Work Program). He recalled previous discussion by the Committee about having a designee in each department to whom employees could communicate ethics concerns.

Mr. Wood suggested that Possible Goal No. 28 be modified to read, "Receive and review a summary of ethics complaints." But, he noted that this would change the ordinance establishing the Committee.

Member Gallagher recalled that the Committee previously discussed how information concerning ethics matters in the City would be communicated to the Committee without a conduit to obtain the information and that the Committee should be informed of ethics matters by one individual having overall general responsibility to interface with the Committee. He also recalled that the Blue Ribbon Committee inquired about the type of ethics problems occurring in the City, but no information was ever provided, and pointed out that a summary of the ethics matters occurring at the City would enable the Committee to function more meaningfully by helping to reduce possible future ethics problems and assess various situations.

Deputy City Attorney Strader advised that, generally speaking, the Committee cannot be privy to personnel information because it is confidential and protected constitutionally; and, therefore, a summary of ethics matters occurring at the City is the most the Committee could receive.

The Committee agreed to modify Possible Goal No. 28 to read, "Receive and review a quarterly summary of ethics complaints."

Deputy City Attorney Strader explained that Possible Goal 31 (Requirement that those running for election to City Council be required to sign a document that they will act with integrity in all their campaign activities) could apply to elected officials, but not to candidates. However, candidates could voluntarily sign such a document.

Member Gotshall explained her concerns that, in the past, some candidates have acted in an unethical manner, yet they cannot be required to sign a document stating they will act with integrity.

Mr. Wood affirmed that signing such a document must be voluntary. He pointed out that Possible Goal No. 31 could be combined with Possible Goal No. 7 (Develop suggested ethical guidelines for Council candidates).

The Committee agreed that candidates running for office should be provided ethics information compiled by the City.

Staff Liaison Lohnes related her understanding that candidates are given ethics information by the City Clerk's office.

Following inquiries from the Committee, Member Gotshall explained that she suggested Possible Goal No. 32 (Amend all future MOUs to forbid Torrance employee unions from endorsing or otherwise engaging in the political process within the City of Torrance) due to her concern over unions possibly spreading non-truths. She asked staff to research if the word "unions" is defined as "persons" under the law.

Mr. Wood agreed that Possible Goal No. 32 would be prohibited under State Law.

Deputy City Attorney Strader related her certainty that Possible Goal No. 32 would be illegal in that it would eliminate unions from the political process, which would be much different than the proposed ordinance prohibiting political endorsements etc.

Member Matsuda also agreed that Possible Goal No. 32 would be illegal.

Chairman Payne suggested that Possible Goal No. 32 not go forward to the Council, in that it could damage the Committee's credibility.

The Committee agreed that the priorities should be established before researching whether "unions" is defined as "persons" under the law.

Chairman Payne expressed his concern that his number one priority was not included in the list of Possible Goals, particularly due to the need for clarification as to whether the Committee has the authority to negotiate/develop a fixed package for values and standards in an ethics and integrity program since the City's current training program is broad and covers all training.

Member Gallagher pointed out that part of the Blue Ribbon Committee's vision was to develop approximately five values more specifically related to ethics and that the Strategic Plan includes the values established by the Blue Ribbon Committee, but the information therein is much broader. He questioned whether the Strategic Plan or ethics takes precedence; commented on the importance of having only one set of values; and indicated that he could support the values in the Strategic Plan, because they are not contrary and the Plan includes the five values recommended by the Blue Ribbon Committee.

Mr. Wood suggested adding a Possible Goal to "Develop a Citywide values and standards program." The Committee agreed.

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Member Matsuda explained that the Blue Ribbon Committee's Code of Conduct was incorporated into the values in the Strategic Plan; that the values in the Plan look different due to the wording; and that the Strategic Plan Committee thought it would make sense to use the words from the Blue Ribbon Committee so there would only be one set of values.

RECESS AND RECONVENE

At 8:00 p.m., there was a recess until 8:15 p.m., when discussion of Agenda Item No. 3 (Len Wood Workshop) continued with all Members present.

The Committee agreed to combine Possible Goal Nos. 1 (Review ethics training program for City employees), 2 (Establish process to monitor and improve training programs), 5 (Implement a suggested yearly ethics and integrity training program consisting of alternating classroom and self-study elements) and 29 (Initial ethics training mandated for all City employees upon hire and on-going ethics training annually).

In response to a comment from Chairman Payne, Mr. Wood advised against combining Possible Goal Nos. 6 (Develop suggested City Council ethical guidelines), 7 (Develop suggested ethical guidelines for Council candidates) and 31 (Requirement that all running for election to City Council be required to sign a document that they will act with integrity in all their campaign activities).

With regard to Possible Goal No. 8 (Develop Process and Report Format for City Council), Mr. Wood clarified that the City does not have a standard format for reporting to the Council and one should be developed.

With direction provided by Mr. Wood, the Committee identified the following Possible Goals as their top eleven priorities:

- Possible Goal Nos. 1 (Review Ethics Training Program for City Employees), 2 (Establish Process to Monitor and Improve Training Programs), 5 (Implement a Suggested Yearly Ethics and Integrity Training Program Consisting of Alternating Classroom and Self-Study Elements) and 29 (Initial Ethics Training Mandated for all City Employees upon hire and ongoing Ethics Training annually) (combined into one item).
- Possible Goal No. 7 (Develop suggested ethical guidelines for Council candidates).
- Possible Goal Nos. 16 (Develop ethics and integrity marketing/communications program), 17 (Develop public awareness program for ethics and integrity programs), 19 (Launch a media campaign about "Vote Ethics") and 30 (Post ethical values throughout City buildings to serve as a reminder) (combined into one item).
- Possible Goal 22 (Determine if ethics coordinator/departmental liaison is needed).
- Possible Goal 27 (Conduct a Council, employee and commissioner ethics and integrity survey).
- Possible Goal 28 (Receive and review a summary of ethics complaints).
- Possible Goal 6 (Develop suggested City Council ethical guidelines).
- Possible Goal No. 9 (Conduct a "Final Word" candidate forum).
- Possible Goal No. 10 (Develop suggested ethical guidelines for commissioners).

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- Possible Goal No. 14 (Develop an ethics website).
- Possible Goal No. 15 (Produce a “Vote Ethics” guide for inclusion in utility bills).
- Possible Goal No. 25 (Develop ethics and integrity awards program recognizing exceptional behaviors and contributions).

Mr. Wood advised that he and staff will narrow down the goals and identify the top five to seven priorities for the Committee’s consideration at the next meeting.

Noting the upcoming election in Torrance, Member Gallagher pointed out that some of the top priorities are related to elections. He entertained the possibility of the Committee compiling an ethics pamphlet and distributing it, through means such as employee newspapers, utility bills, on the City’s website and at candidate forums. Given the time constraints with the forthcoming election, he suggested that the Committee make a proposal on this at a future meeting and move forward as soon as possible.

Chairman Payne observed that the Possible Goals supported the most by the Committee were related to campaigns. He agreed that, with the election quickly approaching, the Committee should move forward as soon as possible.

Member Montoya noted that a document about ethics, voting and elections could be distributed by Committee members at candidate forums.

Deputy City Attorney Strader cautioned against the entire Committee distributing information at one place due to the Brown Act.

Member Gotshall mentioned that the yellow Code of Ethics pamphlet developed by the Blue Ribbon Committee along with other ethics-related documents could be made available outside Council Chambers and in the City Clerk’s office.

Chairman Payne suggested that each Committee member expand on one of the campaign/election-related items on the priority list (Possible Goal Nos. 7 [Develop suggested ethical guidelines for Council candidates], 15 [Produce a “Vote Ethics” guide for inclusion in utility bills] and 19 [Launch a media campaign about “Vote Ethics”]) and provide more detailed information about it for inclusion in a pamphlet to give to candidates.

Member Gotshall questioned if the Committee should be discussing this, in that it is specific to elected officials and could violate the Brown Act.

Deputy City Attorney Strader advised that, to the extent that this is part of the Committee’s Work Plan, it is acceptable to discuss it.

Member Gotshall supported Chairman Payne’s suggestion for the Committee members to identify one of the campaign/election-related items on the priority list and provide more detailed information about it for eventual inclusion in a pamphlet.

Mr. Wood advised that the Committee’s desire to compile a pamphlet should be communicated to the City Council and that staff could compile the information provided by the Committee members for the Committee’s review at the next meeting.

Staff Liaison Lohnes asked that the Committee members provide the information to her no later than March 8, 2010 so it can be given to the Committee members to review prior to the next meeting.

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Mr. Wood departed the meeting at 9:30 p.m.

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ORAL COMMUNICATIONS #2

1. Staff Liaison to the Committee Lohnes verified that consideration of guidelines for the acceptance of gifts and gratuities by public officials and guidelines for the Council to use when considering the appointment of City staff to City commissions will be on the next meeting agenda. She affirmed that staff is researching other cities' policies relative to these topics and provide input to the Committee.

Deputy City Attorney Strader noted the written material about ethical requirements for candidates she provided to the Committee at a previous meeting.

2. Member Montoya requested that the Committee receive agenda packets sooner than the Friday before the meetings.

Staff Liaison Lohnes explained the difficulty of accommodating Member Montoya's request; but an effort will be made to do so.

3. Noting that the ordinance establishing the Committee includes an annual report, Chairman Payne asked that a presentation to the Council on the Committee's accomplishments during the past year be placed for discussion on a future meeting agenda.

Member Gotshall commented that the annual report could be provided to the Council in conjunction with the Committee's recommendations for ethical guidelines.

Member Montoya noted that the Committee's Work Program will be a highlight of the annual report.

Member Matsuda commented that the Disaster Council's annual reports were provided to the Council in written form, placed on the Council's agendas for review and formally accepted by the Council, and that a presentation to the Council was not required.

Member Gotshall indicated that the Blue Ribbon Committee's annual reports were presented to the Council orally.

Deputy City Attorney Strader advised that the ordinance does not addresses the method for presenting the Committee's annual reports to the Council; that the general protocol is for a staff liaison to provide the reports with the Committee's concurrence; that a written report should be submitted to the Council with a subsequent presentation; and that a joint meeting with the Council should be held to discuss the Committee's Work Program.

Staff Liaison Lohnes related staff's intent to research various methods for presenting annual reports to the Council and report back to the Committee.

Chairman Payne observed that all of the Work Program items have been discussed by the Committee during the past year and that the Program is a representation of what the Committee has accomplished in the year.

4. At this time, discussion returned to the idea of each Committee member expanding on one of the campaign/election-related items on the priority list developed by the Committee this evening (Possible Goal Nos. 7 [Develop suggested ethical guidelines for Council candidates], 15 [Produce a "Vote Ethics" guide for inclusion in utility bills] and 19 [Launch a media campaign about "Vote Ethics"]) for eventual inclusion into a pamphlet (for further information see Agenda item No. 3 beginning on page 2).

Member Montoya stated his difficulty in visualizing what the Committee is supposed to do with the campaign/election-related items on the priority list.

Staff Liaison Lohnes and Deputy City Attorney Strader advised that staff could provide more detailed information on these items for the Committee's review at the next meeting.

Member Gallagher stated that a subcommittee could be formed for this purpose.

Deputy City Attorney Strader advised that the Committee members could email the information to staff; but, if a subcommittee is formed for this purpose, the item must be placed on the agenda for a future meeting.

Member Gotshall related her understanding that the idea is to compile information to notify candidates that Torrance stands for ethics and that this information would serve as an advertisement to the community that the Committee exists and the City cares about ethics.

Deputy City Attorney Strader advised the Committee against getting into a detailed discussion about this matter during "Oral Communications #2."

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At this time, discussion returned to Agenda Item No. 2.

2. **APPROVAL OF MINUTES – JANUARY 27, 2010**

Member Gotshall noted that the minutes of January 27, 2010 reflect the postponement of Agenda Item No. 3 (Discuss and Recommend Guidelines for Use When Considering Appointment of City Staff as Commissioners in Order to Avoid the Appearance of a Conflict of Interest) to the next meeting, but this item was not on the meeting agenda.

Staff Liaison Lohnes clarified that Agenda Item No. 3 should have been postponed until the meeting after the conclusion of Mr. Wood's workshop.

MOTION: Member Matsuda moved for the approval of the Ethics and Integrity Committee minutes of January 27, 2010 as written. The motion was seconded by Chairman Payne and passed by unanimous roll call vote:

Ayes: Gallagher, Gotshall, Matsuda, Montoya and Chairman Payne.
Noes: None.
Abstain: None.
Absent: None.

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The meeting returned to regular agenda order.

ADJOURNMENT

At 10:00 p.m., the meeting was adjourned to Wednesday, March 24, 2010, 6:30 p.m.

Approved as Submitted March 24, 2010 s/ Sue Herbers, City Clerk
